

MONTANA SAGE GROUSE HABITAT CONSERVATION PROGRAM



STEVE BULLOCK, GOVERNOR

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STATE OF MONTANA

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Project No. 2647

Governor's Executive Orders 12-2015 and 21-2015

Spring Creek Mine Minor Permit Revision 235 Incidental Boundary Change

Gabe Johnson
Cloud Peak Energy
PO Box 67
Decker, MT 59025

December 18, 2017

Dear Mr. Johnson,

The Montana Sage Grouse Habitat Conservation Program received a request for consultation and review of your project or proposed activity on December 12, 2017, with additional information necessary to complete the review provided on December 18, 2017. Based on the information provided, all or a portion of this project is located within General Habitat for sage grouse. The Bureau of Land Management (BLM) classifies this area as a General Habitat Management Area (GHMA).

Executive Orders 12-2015 and 21-2015 set forth Montana's Sage Grouse Conservation Strategy. Montana's goal is to maintain viable sage grouse populations and conserve habitat so that Montana maintains flexibility to manage our own lands, our wildlife, and our economy and a listing under the federal Endangered Species Act is not warranted in the future. Similarly, the BLM has incorporated sage grouse conservation measures into their Resource Management Plans.

The program has completed its review, including:

Project Description:

Project Type: Mining

Project Disturbance: 140.15 Acres

Construction Timeframe: January, 2018 to March, 2018, Temporary (< 1 Year)

Disturbance Timeframe: March, 2018 to October, 2029, Short Term (11-25 Years)

Project Location:

Legal: Township 8 South, Range 39 East, Sections 12, 13
Township 8 South, Range 40 East, Sections 18



Hosted by the Montana Department of Natural Resources and Conservation
Director's Office: (406) 444-2074



County: Big Horn

Ownership: Private, Bureau of Land Management

Executive Orders 12-2015 and 21-2015 Consistency:

The project proposes to add a coal mine stockpile facility and associated infrastructure in designated General Habitat for sage grouse.

Spring Creek Coal (SCC) seeks approval for an Incidental Boundary Change (IBC) from the Department of Environmental Quality (DEQ) Coal Program under Minor Revision (MR) 235. SCC started mining in 1980 under Surface Mining Permit (SMP) C1979012 and has permitted reserves through 2025. SCC intends to add a stockpile facility area and associated infrastructure on the north side of the existing Pit #4, located approximately 12 miles north of Decker Montana, and west of the Tongue River Reservoir.

The IBC area is 127 acres and is currently a non-permitted 'island' within the existing mine permit boundary area. This new area adds approximately 140 acres to the current life of mine disturbance boundary. SCC owns the land surface designated in this IBC. Thus, the 12-2015 EO is applicable.

Because of the steep topography surrounding Pit #4, and to avoid a conflict with contemporaneous habitat reclamation, additional stockpiling facility room is necessary on the north side of Pit #4. The IBC area is relatively flat, and was chosen for the site because it is more conducive for controlling runoff from stockpiles.

The project will begin by constructing three sediment control ponds within minor tributaries inside on the project area. These ponds are being permitted under a renewal to Montana Pollution Elimination Discharge System (MPDES) permit MT0024619. Diversion ditches will be constructed to divert runoff into the ponds.

Following construction of the sediment control structures, a new roadway will be stripped of topsoil and covered with scoria to provide heavy equipment access into the project area. Following road construction, the footprint for the stockpile facility area will be stripped of topsoil. The stockpile facility area will be used during mining, then removed, and reclaimed using the stripped topsoil in 2029.

The SMP C1979012 includes specific revegetation criteria and seed mixes based on post-mining land uses and baseline vegetation sampling. Approximately 60 acres of the new disturbance area has been stripped of native vegetation and reseeded with introduced species, and is now managed as Special Use Pasture (SUP) for grazing cattle. The other 80 acres is typical of the topography on the north side of Pit #4 with trees, sagebrush-grassland on hills and steep topography. Because the SUP area is flat and more conducive as sage-grouse habitat, SCC proposes to reclaim the SUP area to compliment the wildlife habitat found on the other 80 acres.



Converting the 60 acres of new disturbance from SUP to wildlife habitat will improve the habitat post-mine for sage grouse as a conservation measure. The post-mine vegetation will be an enhancement for sage-grouse compared to the pre-mine SUP vegetation. These planned land uses require meeting a woody plant density bond release requirement derived from baseline and reference area sampling.

The reclaimed areas will use a proposed seed mix 313-13a, which is formulated for upland shrub steppe and includes cool-season grasses, legumes and other forbs, and shrubs and subshrubs including Wyoming big sagebrush, winterfat, and greasewood. Reseeding is planned for October 2029.

Based on the information you provided, your project is not within two miles of an active sage grouse lek.

Discussion and Recommendations:

These stipulations are designed to maintain existing levels of suitable sage grouse habitat by managing uses and activities in sage grouse habitat to ensure the maintenance of sage grouse abundance and distribution in Montana. Development should be designed and managed to maintain populations and sage grouse habitats.

- Conservation measures will be developed for coal mining operations on a case-by-case basis via the terms and conditions included in permits issued by DEQ under the authority of the Montana Strip and Underground Mine Reclamation Act (MSUMRA) and in compliance with the federal Surface Mining Control and Reclamation Act (SMCRA).
- Coal mining operations are generally governed by MSUMRA and SMCRA under the Montana Conservation Strategy, and those laws are the mechanisms by which this Conservation Strategy is applied to coal mining operations. This Strategy should not preclude federal leasing.
- Weed management is required within General Habitat for sage grouse. Reclamation of disturbed areas must include control of noxious weeds and invasive plant species, including cheatgrass (*Bromus tectorum*) and Japanese brome (*Bromus japonicas*).
- While there are no specific surface disturbance limits in General Habitat, as a standard management practice surface disturbance should be minimized through measures such as co-locating new and existing structures.
- Vegetation removal as part of the permitted activities will be limited to the minimum disturbance required by the project.

Your activities are consistent with the Montana Sage Grouse Conservation Strategy. Your proposed project or activity may need to obtain additional permits or authorization from other Montana state agencies or possibly federal agencies. They are very likely to request a copy of this consultation letter, so please retain it for your records.



Please be aware that if the location or boundaries of your proposed project or activity change in the future, or if new activities are proposed within one of the designated sage grouse habitat areas, please visit <https://sagegrouse.mt.gov/projects/> and submit the new information.

Thanks for your interest in sage grouse and your commitment to taking the steps necessary to ensure Montana's Sage Grouse Conservation Strategy is successful.

Sincerely,



Carolyn Sime
Montana Sage Grouse Habitat Conservation Program Manager

cc: John C. Carlson
Management Zone 1 Greater Sage-Grouse Lead
Bureau of Land Management
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